

House File 744 - Introduced

HOUSE FILE _____
BY COMMITTEE ON PUBLIC SAFETY
(SUCCESSOR TO HSB 44)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the criminal offense of enticing or attempting
2 to entice a minor and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1327HV 83
5 jm/nh/14

PAG LIN

1 1 Section 1. Section 710.10, Code 2009, is amended to read
1 2 as follows:
1 3 710.10 ENTICING ~~AWAY~~ A MINOR.
1 4 1. A person commits a class "C" felony when, without
1 5 authority and with the intent to commit sexual abuse or sexual
1 6 exploitation upon a minor under the age of thirteen, the
1 7 person entices ~~away or attempts to entice~~ the minor under the
1 8 age of thirteen, or entices ~~away or attempts to entice~~ a
1 9 person reasonably believed to be under the age of thirteen.
1 10 2. A person commits a class "D" felony when, without
1 11 authority and with the intent to commit an illegal act upon a
1 12 minor under the age of sixteen, the person entices ~~away or~~
1 13 ~~attempts to entice~~ a minor under the age of sixteen, or
1 14 entices ~~away or attempts to entice~~ a person reasonably
1 15 believed to be under the age of sixteen.
1 16 3. ~~A person commits an aggravated misdemeanor when,~~
1 17 ~~without authority and with the intent to commit an illegal act~~
1 18 ~~upon a minor under the age of sixteen, the person attempts to~~
1 19 ~~entice away a minor under the age of sixteen, or attempts to~~
1 20 ~~entice away a person reasonably believed to be under the age~~
1 21 ~~of sixteen.~~
1 22 4. ~~A person's intent to commit a violation of this section~~
1 23 ~~may be inferred when the person is not known to the person~~
1 24 ~~being enticed away and the person does not have the permission~~
1 25 ~~of the parent, guardian, or custodian to contact the person~~
1 26 ~~being enticed away.~~
1 27 3. A person shall not be convicted of a violation of this
1 28 section unless the person commits an overt act evidencing a
1 29 purpose to entice.
1 30 5- 4. For purposes of determining jurisdiction under
1 31 section 803.1, an offense is considered committed in this
1 32 state if the communication to entice ~~away or attempt to entice~~
1 33 a minor or a person believed to be a minor who is present in
1 34 this state originates from another state, or the communication
1 35 to entice ~~away or attempt to entice~~ a minor or a person
2 1 believed to be a minor is sent from this state.

EXPLANATION

2 2 This bill relates to the criminal offense of enticing a
2 3 minor.
2 4 The bill renames the criminal offense of enticing away a
2 5 minor to enticing a minor, and eliminates the provisions
2 6 related to enticing "away" a minor.
2 7 The bill changes the criminal penalty for attempting to
2 8 entice a minor under the age of 13 or a person reasonably
2 9 believed to be under the age of 13 with the intent to commit
2 10 sexual abuse or sexual exploitation. Under the bill, the
2 11 criminal penalty is changed from an aggravated misdemeanor to
2 12 a class "C" felony.
2 13 The bill also changes the criminal penalty for attempting
2 14 to entice a minor under the age of 16 or a person reasonably
2 15 believed to be under the age of 16, without authority, and
2 16 with the intent to commit an illegal act. Under the bill, the
2 17 criminal penalty is changed from an aggravated misdemeanor to
2 18

2 19 a class "D" felony.
2 20 The bill specifies that a person shall not be convicted of
2 21 a violation of enticing a minor or an attempt to entice a
2 22 minor unless the person commits an overt act evidencing a
2 23 purpose to entice.
2 24 Under current law and the bill, a person who commits
2 25 enticing or attempting to entice a minor is subject to an
2 26 additional special sentence pursuant to Code chapter 903B and
2 27 shall register as a sex offender for 10 years plus the length
2 28 of any special sentence.
2 29 The amendments in the bill are in response to State v.
2 30 Hansen, 750 N.W.2d 111 (Iowa 2008) and State v. Quinn, 691
2 31 N.W.2d 403 (Iowa 2005).
2 32 LSB 1327HV 83
2 33 jm/nh/14